

Application No. 10/001,363
Amendment dated November 9, 2004
Reply to Office Action of July 9, 2004

REMARKS/ARGUMENTS

Responsive to the Official Action mailed July 9, 2004, applicants have amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, independent claims 1, 6, and 7 have been amended. Reconsideration is respectfully requested.

In response to the Examiner's Requirement for Restriction, applicants hereby affirm their provisional election to prosecute claims of Group I, namely claims 1-7. It is believed that the claims of Group II are sufficiently related as to permit their consideration in the application. In the event that the Examiner maintains his requirement, applicants respectfully reserve the right to file one or more divisional applications to their non-elected claims.

Applicants gratefully acknowledge the Examiner's allowance of claim 5.

In the Action, the Examiner has rejected the pending claims under 35 U.S.C. §102, with reliance upon U.S. Patent No. 3,668,172, to Jones et al., U.S. Patent No. 6,051,618, to Tabaksblat et al., U.S. Patent No. 6,410,823, to Daley et al., and U.S. Patent No. 3,607,341, to Goins et al. However, it is respectfully submitted that these references do not teach or suggest applicants' improved wetting agent as claimed, and accordingly, the Examiner's rejections are respectfully traversed.

Applicants respectfully note that the Jones et al. patent cited by the Examiner is specifically limited in its teachings to the use of much lower levels of wetting agent than set

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forth in the presently pending claims. In the Example noted by the Examiner, the recited surfactant forms but 1.6% of the resultant composition, in clear distinction from applicants' claimed invention. It is respectfully maintained that this relatively low level of surfactant in Jones et al. cannot perform equivalently to the novel composition of applicants' invention.

It is believed that the Tabaksblat et al. reference is similarly deficient in teaching or suggestion applicants' invention as claimed. As noted by the Examiner, this reference contemplates a composition including but 1.4 weight percent of surfactant, again, with the result being distinctly different than that achieved with applicants' claimed invention.

It is respectfully noted that the Goins et al. reference is similarly deficient in teaching or suggesting the present invention as claimed, including but 3.5 weight percent of surfactant.

It is respectfully noted that the Daley et al. patent cited by the Examiner cannot anticipate the present invention, since this reference fails to set forth a combination including titanium dioxide, as specifically claimed. It is respectfully noted that applicants' pending claims specify the inclusion of titanium dioxide in a weight percent *between* about 0% and 44%, thus specifying the inclusion of titanium dioxide.

Additionally, it is noted that Daley et al. contemplates that 20% of a surfactant (wetting agent) be incorporated internally into a film, while applicants have filed that such relatively high levels of wetting agent negatively impact formation of a film or fabric.

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Thus, it is respectfully maintained that applicants' pending claims 1-4, and 6-7, are also in condition for allowance, in addition to claim 5, and such action is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **December 9, 2004**.


Karen Sanderson